

Report Date: April 28, 2016

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Apr 28, 2016

SEAN F. MCAVOY, CLERK

Eastern District of Washington**Petition for Warrant or Summons for Offender Under Supervision**Name of Offender: Fernando Ruiz-Guzman
aka Esteban Cervantes-Flores

Case Number: 0980 2:06CR02056-EFS-1

Address of Offender: Yakima County Jail

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: August 29, 2007

Original Offense: Conspiracy to Distribute a Controlled Substance, 21 U.S.C. § 841(a)(1);
Alien in United States After Deportation, 8 U.S.C. § 1326Original Sentence: Prison - 60 months; Type of Supervision: Supervised Release
TSR - 96 months

Asst. U.S. Attorney: Thomas J. Hanlon Date Supervision Commenced: June 4, 2010

Defense Attorney: Federal Defenders Date Supervision Expires: June 3, 2018

PETITIONING THE COURT**To issue a warrant.**

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance1 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.**Supporting Evidence:** On April 14, 2016, a criminal complaint, case number: 1:16-mj-04084-MKD, was filed by United States Immigration and Customs Enforcement alleging Mr. Ruiz-Guzman had reentered the United States illegally on or about March 31, 2016.

On March 29, 2016, Fernando Ruiz-Guzman, a citizen and National of Mexico who had theretofore on or about June 4, 2010, been denied admission, excluded, deported and removed from the United States at Del Rio, Texas, was found in the Eastern District of Washington by an officer with the Grandview Police Department. Mr. Ruiz-Guzman did not have the express consent of the Attorney General and the Secretary of the Department of Homeland Security to reapply for admission into the United States.

Mr. Ruiz-Guzman is currently scheduled to appear in Court for a status conference hearing on May 11, 2016, in Yakima, Washington.

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Mandatory Condition # 2: The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: On March 30, 2016, a declaration of probable cause was submitted to the Yakima County Superior Court of Washington State, case number: 16-1-00608-39, by an officer with the Grandview Police Department. Mr. Ruiz-Guzman was booked on two charges: alien in possession of a firearm, and VUCSA, possession of methamphetamine.

As outlined in a Grandview Police Department (GPD) report, case number: 16V1383, during a traffic stop on March 29, 2016, while an officer with GPD was making contact with Mr. Ruiz-Guzman, he noticed him begin to reach down the right side of his seat. The officer drew his weapon and ordered Mr. Ruiz-Guzman to place his hands on the steering wheel. The officer then ordered Mr. Ruiz-Guzman out of the vehicle. The officer looked inside Mr. Ruiz-Guzman's vehicle and observed a black semi-automatic handgun wedged between the front driver's seat and the center console in the same location where he was observed reaching. Mr. Ruiz-Guzman was then secured in handcuffs and advised of his Miranda Warnings in Spanish. The officer asked him if he had a permit to carry a firearm. Mr. Ruiz-Guzman replied, "no" and advise the officer the gun did belong to him.

After Mr. Ruiz-Guzman was arrested for alien in possession of a firearm, a search of his person revealed a white plastic bag containing a white powdery substance. Before the officer could ask Mr. Ruiz-Guzman about the substance, he stated it was for his personal use. The officer then asked what it was. Mr. Ruiz-Guzman replied, "Crystal." The officer field tested the substance and received a presumptive positive result for methamphetamine. The bag was also weighed and totaled 2.5 grams.

Yakima County Superior Court records indicate Mr. Ruiz-Guzman was scheduled to appear in court for a preliminary hearing on March 31, 2016, but he failed to show due to being in U.S. Marshal custody on alleged violation number 1. A warrant was subsequently issued by the court on April 14, 2016, which remains active to date.

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Special Condition # 14: You are prohibited from returning to the United States without advance legal permission from the United States Attorney General or his designee. Should you reenter the United States, you are required to report to the probation office within 72 hours of reentry.

Supporting Evidence: Mr. Ruiz-Guzman illegally reentered the United States without permission on or about March 31, 2016, as noted in violation number 1.

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The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 28, 2016

s/Jonathan G. Barcom

Jonathan G Barcom
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other



Signature of Judicial Officer

April 28, 2016

Date